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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,786	12/15/2000	Kevin McCombe	40101/01101	3798

30636            7590            08/10/2007  
FAY KAPLUN & MARCIN, LLP  
150 BROADWAY, SUITE 702  
NEW YORK, NY 10038

EXAMINER
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BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

MAIL DATE	DELIVERY MODE
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08/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action After the Filing of an Appeal Brief</b>	Application No. 09/738,786 Examiner Bharat N. Barot	Applicant(s) MCCOMBE ET AL. Art Unit 2155
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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 18 June 2007 is acknowledged.

1.  The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

- a.  The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).
- b.  The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).

2.  The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3.  The reply is entered. An explanation of the status of the claims after entry is below or attached.

4.  Other:

The status of the claims after entry of reply brief is below:

Claims 1-11 are pending in this application.

Claims 1-11 are on appeal and rejected under 35 U.S.C. 103(a) as being unpatentable over Morwood (U.S. Patent No. 6,470,346) in view of Peters et al (U.S. Patent No. 6,385,637).

BHARAT BAROT  
PRIMARY EXAMINER